

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

AUVESY GmbH & Co. KG,

Plaintiff,

-vs-

Case No. 14-C-1258

**ROCKWELL AUTOMATION, Inc. and
ROCKWELL TECHNOLOGIES, Inc.,**

Defendants.

DECISION AND ORDER

This case involves a dispute over patent ownership. On June 30, the Court denied the defendants' motion for judgment on the pleadings. The Court held, as relevant here, that certain claims brought by the plaintiff, a German corporation called Auvesy, were not time-barred because the defendants (collectively Rockwell) did not assert actual ownership over the patents until October 11, 2011. Rockwell moves to reconsider.

Rockwell argues, as before, that it asserted ownership over the invention much earlier than October of 2011. For example, on June 2, 2006, Rockwell filed a provisional patent application that named itself as the assignee of the invention. Rockwell continued to refer to itself as the assignee in subsequent correspondence with the PTO. ECF No. 15-1, Ex. A; ECF No. 30, Ex. A-D. However, that correspondence also made clear that

the inventors were refusing to assign the invention. Most importantly, Auvesy's claims are not premised upon the provisional application. Instead, they arise from Rockwell's October 11, 2011 assertion of ownership in an Issue Fee Transmittal form that resulted in the patent being issued in Rockwell's name as the assignee on the face of the patent. Therefore, the claims are not time-barred.

Auvesy's motion for leave to file a sur-reply [ECF No. 31] is **GRANTED**. Rockwell's motion for reconsideration [ECF No. 25] is **DENIED**. This matter is set for a Rule 16(b) telephonic scheduling conference on **November 18, 2015 at 10:30 a.m. (CST)**. The parties should refer to the Court's previous order [ECF No. 24] for details.

Dated at Milwaukee, Wisconsin, this 13th day of October, 2015.

SO ORDERED:


HON. RUDOLPH T. RANDA
U.S. District Judge